

**DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

JOHNNY MARTINEZ,

Petitioner,

v.

**KEITH FRANCOIS, Warden of the Golden
Grove Correctional Facility; JULIUS WILSON,
Director of the Virgin Islands Bureau of
Corrections; TERRITORY OF THE VIRGIN
ISLANDS; and RANDALL MATHENA,
Warden of the Red Onion State Prison,**

Respondents.

Civil Action No. 2013-00102

Attorneys:

Joseph A. DiRuzzo, III, Esq.,
Miami, FL

For the Petitioner

**Tiffany V. Monroe, Esq.,
Kimberly L. Salisbury, Esq.,**
St. Thomas, U.S.V.I.

For the Respondents

ORDER

UPON CONSIDERATION of the pending pleadings and motions in this matter, and for the reasons set forth in the accompanying Memorandum Opinion filed contemporaneously herewith, it is hereby

ORDERED that the “Report and Recommendation” of Magistrate Judge Ruth Miller (Dkt. No. 28) is **ADOPTED IN PART**; and it is further

ORDERED that Petitioner’s “First Amended Petition & Complaint” (Dkt. No. 25) is **DISMISSED**; and it is further

ORDERED that Petitioner's "Motion for Leave to Proceed *in Forma Pauperis*" (Dkt. No. 2) is **DENIED AS MOOT**; and it is further

ORDERED that Petitioner's "Motion to Appoint Pursuant to the Criminal Justice Act" (Dkt. No. 3) is **DENIED AS MOOT**; and it is further

ORDERED that Petitioner's "Motion for an Entry of Default Judgment or in the Alternative Motion to Compel the Filing of a Responsive Pleading" (Dkt. No. 12) is **DENIED AS MOOT**; and it is further

ORDERED that Petitioner's "Motion to Expedite Preliminary Review" (Dkt. No. 19) is **DENIED AS MOOT**; and it is further

ORDERED that Petitioner's "Motion for Preliminary Injunction" (Dkt. No. 26) is **DENIED AS MOOT**; and it is further

ORDERED that the Government of the Virgin Islands' Motion to Dismiss (Dkt. No. 27) is **DENIED AS MOOT**; and it is further

ORDERED that Petitioner's "Motion for Leave to Amend" (Dkt. No. 35) is **DENIED**; and it is further

ORDERED that Petitioner's "Motion for Leave to Conduct Jurisdictional Discovery" (Dkt. No. 36) is **DENIED AS MOOT**; and it is further

ORDERED that Petitioner's "Motion to Expedite Discovery" (Dkt. No. 38) is **DENIED AS MOOT**; and it is further

ORDERED that the Clerk of Court is directed to mark this case **CLOSED**.

SO ORDERED.

Date: March 17, 2015

_____/s/_____
WILMA A. LEWIS
Chief Judge